IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

-

WRIT PETITION No.3620 OF 2006

Between:

The Sr.Supdt of Post Offices,

Nellore Division, Nellore.

..... PETITIONER

AND

Sri P.V.S.Siva Prasad,

S/o.Venkatappaiah,

EDBPM, Thimmayapalem B.O.

A/w.Nandipadu, Udayagiri Sub Division,

Nellore District and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.3620 OF 2006

O R D E R

(Per Sri Justice J.Chelameswar)

The writ petition is filed with a prayer as follows:

> "…… Hon'ble court may be pleased to issue preferably a writ in the nature of certiorari or any appropriate writ, order or direction, calling for the records pertaining to order dated 29.10.2003 in OA No.773 of 2001 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and quash the same or pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

It is obvious from the prayer that the petitioners seek to challenge an order, which is almost two and half years old. The only explanation for the delay is contained in page 14 of the affidavit filed in support of the writ petition, which reads as follows:

> "While the appointment of 1st Respondent on waiting list in process, the Director General, Department of Posts, New Delhi letter no.19-28/2003-GDS dated 31-8-04 was received through the 2nd petitioner letter no.ST/30/GDS/Rlgs dtd 7/9/04 "The Hon'ble High Court has extensively quoted judgements of Hon'ble Supreme Court and other Courts and held that the provisionally appointed Gramin Dak Sevaks, unless they are recruited as per the recruitment rules against sanctioned posts and possess the required qualification, do not have any right whatsoever for claiming regularization of their long period of employment as a provisional appointee. The Apex Court has also held in unequivocal terms that regularization can not be a mode of recruitment as the same would be violative of the article 309 of the Constitution and the mere prolonged and extended engagement on provisional basis does not result in any claim for substantive status". Hence the case referred to 2nd Petitioner on 11-10-2004. The 2nd Petitioner directed the 1st Petitioner to obtain the legal opinion vide letter dated 4-2-05. The 1st Petitioner addressed to Bangalore Law Secretariat, Bangalore on 145-02-2005. The opinion from the Bangalore Law Secretariat, Bangalore letter dated 14-07-2005 was received on 18-07-2005. The same referred to 2nd Petitioner on 19-07-2005. In turn, the 2nd Petitioner submitted the case of the 3rd Petitioner for filing of the appeal in the Hon'ble High Court vide letter dated 02-08-2005."

In our view, it is not a sufficient explanation for the delay. Apparently the petitioners believe that they can take their own time for the correspondence. The time consumed in such correspondence is put forth in explanation.

In the circumstances, we are of the opinion that the writ petition is barred by laches and the same is accordingly dismissed at the stage of admission itself. There shall be no order as to costs.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

20TH MARCH, 2006

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.3620 OF 2006

(Per Sri Justice J.Chelameswar)

20th MARCH, 2006